

The *jizya* Verse (Q. 9:29): Tax Enforcement on Non-Muslims in the First Muslim State

M.A.S. Abdel Haleem

SOAS, UNIVERSITY OF LONDON

‘I swear by God that if they refuse to pay me even a camel-halter which they used to pay to the Prophet, I will fight them for it.’¹

The *jizya* verse has been the basis of a huge amount of writing by Muslims in Islamic law and Qur’anic exegesis, and by non-Muslim scholars writing about Islam. It continues to be used by some academics, members of the media, and anti-Islamic propagandists to denigrate Islam and its treatment of non-Muslims, especially the ‘People of the Book’.² This article aims to examine the verse afresh, using close linguistic analysis and paying due regard to the linguistic and historical contexts of the verse with all its elements, as well as the style of the Qur’an and what it says outside the confines of this verse. Such analysis will prove that the picture that has been made of this verse, based on various historical contingencies, both by Muslim exegetes and jurists and non-Muslim writers, is post-Qur’anic, inaccurate and far removed from the actual picture as given in the Qur’an itself.

The *jizya* verse (Q. 9:29) has been translated by Arberry as follows:³

Fight those who believe not in God and the Last Day and do not forbid what God and His Messenger have forbidden – such men as practise not the religion of truth, being of those who have been given the Book – until they pay the tribute out of hand and have been humbled.

Such literal translations make it more difficult for a reader to recover the real meaning of the Arabic text. Beyond this initial hurdle, there is the interpretation of crucial elements of this verse. I have counted the following eight points in this one verse

which have given rise to misunderstandings and which I will discuss phrase by phrase as follows:

1. Fight those who believe not in God and the Last Day (qātalū'lladhīna lā yu'minūna bi'llāhi wa-lā bi'l-yawmi'l-ākhir)

For reasons we explain later, even some Muslim exegetes have taken this phrase literally and set out to explain how the People of the Book do not believe in God and the Last Day: that the Jews and Christians associate others with God, for example seeing Ezra and Jesus as 'sons of God'.⁴ They also explain that Jews and Christians do not really believe in the physical resurrection⁵ and therefore cannot be said to believe in the Last Day.⁶ Such explanations run counter to what we know of Qur'anic style. The Qur'an uses belief in God and the Last Day to emphasise a point – if you truly believe in God and the Last Day, you should refrain from such and such, or do such and such. This is found, for example, in instructions advocating good treatment of women in divorce situations (Q. 2:232, Q. 8:41, Q. 65:2). It is also very common in the *ḥadīth*, for example, 'Let him who believes in God and the Last Day not harm his neighbour' and 'Let him who believes in God and the Last Day, say what is good or keep silent'.⁷ In Q. 5:81, in connection with the People of the Book, the Qur'an says, *If they had believed in God, the Prophet and in what was sent down to him they would never have allied themselves with the disbelievers, but most of them are rebels*. This does not negate the belief of the People of the Book in God, the Prophet and scripture; but rather simply states that they do not act on such belief because they are rebellious. Commenting on the *jizya* verse, Abū Ḥayyān states, 'they are so described because their way [of acting] is the way of those who do not believe in God'.⁸ In any case, there is nothing in the Qur'an to say that not believing in God and the Last Day is in itself grounds for fighting anyone.

2. Do not forbid what God and His Messenger have forbidden (wa-lā yuḥarrimūna mā ḥarrama'llāhu wa-rasūluhu)

Many exegetes have interpreted this phrase as asserting that *what God and His Messenger have forbidden* includes such things as eating pork and drinking wine. However, this cannot be correct since Islamic law does not require the People of the Book to refrain from these, and indeed Muslims should not interfere with them in these matters: any Muslim who pours away their wine or forcibly appropriates it is liable to pay compensation.⁹ Other explanations given by Abū Ḥayyān are that the People of the Book do not forbid lying about God, for instance, saying, 'We are God's sons and beloved' (Q. 5:18); or saying, 'Nobody will enter the Gardens unless they are Jews or Christians' (Q. 2:111), and that *what God has forbidden them* means usury and unlawful consumption of the property of gentiles (Q. 3:75).¹⁰ However, these actions do not constitute grounds for fighting the People of the Book.

The context of this phrase in the *jizya* verse requires that the thing being forbidden is something that the People of the Book ought not to be doing according to their belief in God and their own prophets, but must also connect to non-payment of *jizya* which is the cause for fighting them. It cannot relate to their food or drink, or what they say about God, because these are not given as causes for fighting them, and after paying the *jizya* they will still be consuming these things and saying these things without being fought. The closest and most viable cause must relate to *jizya*, that is, unlawfully consuming what belongs to the Muslim state, which, al-Bayḍāwī explains, 'it has been decided that they should give',¹¹ since their own scriptures and prophets forbid breaking agreements and not paying what is due to others.¹² *His Messenger* in this verse has been interpreted by exegetes as referring to the Prophet Muḥammad or the People of the Book's own earlier messengers, Moses or Jesus, but the latter must be the correct interpretation as it is already assumed that the People of the Book did not believe in Muḥammad or forbid what he forbade. They are condemned for not obeying their own prophet, who told them to honour their agreements. To make sense in the context of the *jizya* verse, this must mean 'they do not forbid breaking an agreement – something that God and His Messenger forbid'. The agreement here was to pay *jizya*. It is not likely to mean that they should pay *jizya* when initially asked to do so. God and their prophet did not forbid refusing to pay what you are simply being asked to pay, but they did forbid going back on an agreement they have entered into. They forbid refusing to pay what is due to others (Q. 3:75–8).

3. *Such men as practise not the religion of truth ... (wa-lā yadīnūna dīna'l-ḥaqq)*

Dawood translates this phrase as referring to those *who do not embrace the true faith*¹³ and Alan Jones gives *who do not follow the religion of truth*.¹⁴ These interpretations, and indeed the interpretations of many Muslim exegetes, are based on hasty reading of the Arabic text. The main meaning of the Arabic *dāna* is 'he obeyed', and one of the many meanings of *dīn* is 'behaviour' (*al-sīra wa'l-ʿāda*). Fayrūzabādī (d. 817/1415), gives more than twelve meanings for the word *dīn*, placing the meaning 'worship of God, religion' lower in the list.¹⁵ *Al-Muʿjam al-wasīṭ* gives the following definition: "'*dāna*' is to be in the habit of doing something good or bad; '*dāna bi-* something' is to take it as a religion and worship God through it'. Thus, when the verb *dāna* is used in the sense of 'to believe' or 'to practise a religion', it takes the preposition *bi-* after it (e.g. *dāna bi'l-Islām*) and this is the only usage in which the word means religion.¹⁶ In the *jizya* verse, it does not say *lā yadīnūna bi-dīni'l-ḥaqq*; rather *lā yadīnūna dīna'l-ḥaqq*.¹⁷ The meaning that fits into the *jizya* verse is thus 'those who do not follow the way of justice (*al-ḥaqq*)', i.e. by breaking their agreement and refusing to pay what is due.

4. ... *being of those who have been given the Book* (*mina'lladhīna ūtū'l-kitāb*)

Min here has normally been explained by exegetes as *bayāniyya* ('explanatory'), that is, it explains who is meant by 'those who do not believe in God' etc., but this is rather forced. The first meaning of *min* in Arabic is *tab'īdiyya* ('partitive'), meaning 'of' or 'from among': hence 'those of the People of the Book'. In fact, in Qur'anic usage, whenever *min* occurs in conjunction with the People of the Book it is partitive: e.g. Q. 2:178; Q. 3:75 and 113; Q. 5:80; and Q. 9:34. The distinction is crucial, because, according to the partitive sense, only those of the People of the Book should be fought who did not truly believe, and followed neither what their God or their prophets said, nor the way of justice. The Qur'an does not say, 'Fight the People of the Book until they give *jizya*' but, 'Fight *those of them* who do not truly believe, do not forbid ... until they give the *jizya* ...'. Significantly the Qur'an introduces the offence of those to be fought before naming them, and the offence is not paying what is due to the Muslim state in which they live.

5. ... *until they pay the tribute* ... (*ḥattā yu'ṭū'l-jizya*)

It is significant that the verse does not say, 'fight them until they agree to pay the *jizya*' but that this phrase, when seen in the context of the verse as a whole implies that the People of the Book had already agreed to pay *jizya*: if they didn't pay, they would be fought until they paid.

Jizya is discussed in the *Encyclopaedia of the Qur'ān* under the title 'Poll Tax',¹⁸ which immediately brings in connotations and associations of a much-resented and failed foreign system. In fact 'poll tax' does not translate the Arabic word *jizya*. It is also inaccurate because women and old men, clerics, and children normally did not have to pay the *jizya*, nor did anyone who could not afford to pay, unlike a poll tax, which by definition is levied on every individual (poll = head) regardless of gender, age, or ability to pay. Such inaccurate translations can contribute to a negative image of Islam. The root verb of *jizya* is *j-z-y*, 'to reward somebody for something', 'to pay what is due in return for something' and, as will be explained later, it has a positive connotation. The important question now is, 'what was the *jizya* paid in return for?' Many exegetes and Western scholars take this to mean that it was in return for allowing Christians and Jews to live in the Muslim state, practising their religion and being protected. However, the Prophet's treaty with the Christians of Najrān stipulates that they should not be obliged to join the Muslim army (*lā yuhsharūn*).¹⁹ From the practice of the early Muslim community, it is known that Christians and Jews were not obliged to join the Muslims in fighting to defend the state, and this was right, because military *jihād* has an Islamic religious connotation and should not be imposed on them. As Muḥammad 'Imāra puts it, 'those who did volunteer to fight with the Muslims against the Persians and Byzantines were exempted from the *jizya* and shared the battle gains with the Muslims'.²⁰ *Jizya* in this sense can be considered, as 'Imāra

states, '*badal jundiyya*' ('in exchange for military service'), not in exchange for the People of the Book being allowed to keep their own faith.²¹

Moreover, Abū °Ubayda, during his campaign in Syria in 15/635, when it became clear to him that he could not defend a community that paid *jizya*, returned the *jizya* to them saying, 'As we cannot defend you, we have no right to charge you the *jizya*'.²² Beyond the sphere of protecting them, paying *jizya* is clearly meant to be a contribution to the state. In the Muslim state, Muslims have to pay *zakāt*. People of the Book, who enjoy the benefits of living in the Muslim state, are exempted from *zakāt*, because there is a religious, Islamic side to it, since it is a pillar of Islam.

6. ... out of hand ... (°an yadin)

The expression °an yadin is most controversial and has given rise to numerous interpretations. Abū Ḥayyān²³ gives perhaps the longest list of nine, including that they should give the *jizya* 'by their own hand', 'prompt and not delayed payment', or 'with the hand of the giver being under the hand of the receiver', or 'admitting [that they should be paying]', or 'as a result of power and coercion and humiliation by the Muslims and the fact that their order is carried out', or 'as a sign of favour to the payers', or 'out of their wealth and ability so that it is not taken from the poor'. Al-Zamakhsharī explained that 'hand' could be interpreted either as the hand of the giver, in which case it means 'willingly, without resisting', 'in currency, not postponed, and not sent by an intermediary' or it is the hand of the receiver, in which case it means the powerful hand of the Muslim over the givers, or 'the generous hand' because it is accepting the *jizya* and refraining from killing them, 'which is a great favour'.²⁴ Interpreting this phrase as referring to the hand of the receiver seems to me to be far-fetched because the subject of the verb *yu°tū* ('they give') is definitely the givers, with no mention of a receiving hand. Abū Ḥayyān, writing in the eighth/fourteenth century, in the footsteps of numerous other exegetes, had accumulated all their views (an example of a practice well known in classical Muslim scholarship where authors felt it was a matter of integrity to acknowledge and include the views of other scholars) and cites more than 30 opinions. However, al-Ṭabarī, who died in 310/922, about four centuries before Abū Ḥayyān, gives only one explanation: that 'it means "from their hands to the hands of the receiver" just as we say "I spoke to him mouth to mouth", we also say, "I gave it to him hand to hand"'.²⁵ Al-Ṭabarī's explanation is the most obvious and natural on the basis of the Arabic expression as attested by Arabic lexicographers. All the other explanations seem to have been introduced later, contaminated by historical factors and by the particular interpretation of the following phrase in the text.

7. ... and have been humbled (wa-hum ṣāghirūn)

This is a circumstantial (*hāl*) clause. Again, Abū Ḥayyān gives a list of five ways in which the People of the Book can show their humbleness, including that they should

stand and the recipient be sitting, or that they should not be thanked for giving *jizya*, or that the receiver should say to the giver, 'Pay the *jizya*', and smack him on the back of his neck, or that someone should take hold of his beard and hit him under the jaw. Other ways mentioned by al-Rāzī are that the payer should come by himself, walking, not riding. Abū Ḥayyān comments that the verse did not mention any of this ('*lam tata'arraḍ li-ta'y shay' minha al-āy*').²⁶ In contrast to all this, there is a straightforward explanation, more in keeping with Islamic teaching, which is mentioned by al-Rāzī and Abū Ḥayyān. According to this, the meaning of *ṣaghār* is merely the very act of paying the *jizya* in itself. Any suggestion of humbleness must have come after the time of the Prophet. It is attributed to Ibn 'Abbās that the payer should be made to pay and his back pushed even if he is already paying!²⁷ This notion of humiliation runs contrary to Q. 29:46, *Do not dispute with the People of the Book except in the best manner*, and the Prophetic *ḥadīth*, 'May God have mercy on the man who is liberal and easy-going (*samlī*) when he buys, when he sells, and when he demands what is due to him'. The reports of the actual practice of the early caliphs and Muslim rulers show quite the opposite to the views of these *mufasssirūn*. They would not permit any humiliation or ill-treatment of anyone required to pay the *jizya*. On the contrary they were magnanimous in instructing that these non-Muslims be treated with respect and that payment be deferred if they were in difficulty and waived if they were unable to pay.²⁸

In view of the ethics of the Qur'an and *ḥadīth*, it is unthinkable such practices as mentioned above could be based on the Qur'an. In this context, *wa-hum ṣāghirūn* simply means 'submitting to the tax'. In modern Arabic taxation, governments have departments of *al-khudū' al-ḍarībī*, which lists everyone who is subject to taxation. Lane's entry for the word *khudū'* in his *Lexicon* lists it as meaning 'being lowly, humble or submissive', while Hans Wehr gives 'submission, obedience, humility, subjection'. The fact is that everybody, Muslim or otherwise, is subject to taxation and there is no humility or shame in this.

In the application of the *jizya* verse Muslim jurists have been shown to be influenced by the earlier taxation systems of the Persian Sassanids and the Byzantine Romans.²⁹ The views of the exegetes on '*an yadīn wa-hum ṣāghirūn*' must have been coloured by the actual situations in their times, when the enmity between Muslims and Christians in Muslim lands such as Iraq, Syria, Egypt and beyond, had accelerated during the Crusades and, in modern times, with colonial occupation. Such situations were different from those in the Prophet's lifetime. Abū Ḥayyān's statement, 'the Qur'anic verse mentions nothing of this', is very telling here.

In view of the many interpretations exegetes gave for different elements of this verse, it may be assumed that the verse appears to foster a host of opinions and is somewhat open to the vagaries of interpreters. However any vagaries were actually the result of

the traditionally atomistic approach of exegetes who dealt with a word or phrase in isolation. Al-Zamakhsharī, for instance, in his *tafsīr*, deals only with certain words or phrases, a practice likely to isolate them from the context of the whole verse. He suggests a possible meaning and sets out to support it by saying 'a poet said', or 'the Arabs said', then goes on to suggest another meaning and says, 'a poet says', or 'Arabs said ...'. Yes, they may have said, but in what context? Does such a meaning fit in the context we have in hand? Less able exegetes came up with interpretations that were far removed from the context, and from what we know of the Qur'an as a whole. This was made more chaotic by the practice of including everything anybody mentioned. Al-Rāzī started his discussion of *'an yad* by saying *'wa-ikhtalafū fī qawlihi*' ('they differed in what they said'), then listed all the information that was available at his time.³⁰ Al-Bayḍawī gives it in the form of 'or ... or ... or'. By the time of Abū Ḥayyān, the list had grown further, however he dealt a blow to this multiplicity of interpretations by stating categorically that the verse gave no concrete grounds for many of the opinions proffered. Had many exegetes paid regard to context and dealt with the verse as a unified, coherent unit, we would not have witnessed such variations.

The Occasion of Revelation (*sabab al-nuzūl*)

The *sabab al-nuzūl* of the *jizya* verse is reported by al-Ṭabarī as follows: 'It was said that this verse was revealed to the Prophet when he was ordered to fight the Byzantines, so he embarked, after its revelation, on the Tabūk expedition.'³¹ Al-Ṭabarī does not give any basis for this assumption, unlike his other statements which are normally followed by information about who said what. The clause 'it was said' would, in *ḥadīth* scholarship, be called a form of *tad'īf* ('weakness in the trustworthiness of the *ḥadīth*'). It is significant that al-Rāzī, who normally records *asbāb al-nuzūl*, did not mention any such story.³² More importantly, nor did al-Wahidī (d. 468/1075), whose entire book is on *asbāb al-nuzūl*, though he gives the *sabab* for the previous verse.³³ When we come to al-Suyūṭī (d. 911/1505) in his book on *asbāb*, again he does not give any *sabab* for verse 29, though he gives one for verse 28 and then moves on to 30.³⁴ Such omissions by these exegetes only go to weaken further the claim made in al-Ṭabarī. However, al-Ṭabarī's statement was taken verbatim by Abū Ḥayyān, who merely removed the initial, weakening statement 'it was said that' and gives the claim as if it were an established fact.³⁵

It is just not feasible to think that this verse would be revealed before the Prophet embarked on the expedition to Tabūk, using such strong language as 'until they pay the *jizya* out of hand, being humbled'. The Qur'an is normally reactive and, in a situation like this, we would assume, it would have said, 'when you come to them, request payment of *jizya*, and if they refuse (*fa-in lam yastajībū*), then fight them until

they pay'. This would be consistent with the Prophet's practice as recorded in the *ḥadīth*, whether referring to the polytheists or the People of the Book.³⁶

Give them three alternatives, whichever of them they accept (*fa-in hum ajābūka*), take it from them and leave them alone (*fa'qbal minhum wa-kuff 'anhum*). Ask them first to become Muslims. If they accept, you should accept this from them and leave them alone; if not, ask them to pay *jizya*. If they accept, take it from them and leave them alone, and if not, fight them.

The Prophet did not know beforehand whether the people of Tabūk would accept Islam or payment of *jizya*. In the above *ḥadīth*, fighting comes only *if* they refuse. This conditional particle, 'if', is quite common in verses of fighting, for instance in Q. 2:190–5 and Q. 4:89–91, and such an expression could be expected in the *jizya* verse if it referred to Tabūk, before the Muslims even embarked on the journey. What weakens al-Ṭabarī's report is, as Abū Hayyān states, immediately following the claim that it was to do with Tabūk: 'it was said that the verse was revealed with regard to Banū Qurayẓa and Naḍīr'. This could well be the correct reason and time for the revelation: if the verse does have anything to do with Tabūk we would have to assume that some of the Arab tribes with whom the Prophet concluded treaties during the Tabūk expedition, reneged on their agreements. Verse 29 comes after discussions and dealing with the polytheists, and the Qur'an does not go straight from the passage dealing with *jizya* to the material on Tabūk. The *jizya* passage runs on from verses 29 to 35, then the material goes back to dealing with the polytheists which was suspended at Q. 9:28 and runs for two verses at Q. 9:36–37. From Q. 9:38 there is material on preparing for Tabūk, which indicates that there is no direct link in the sura between the *jizya* passage and Tabūk.

Regrettably, therefore, we do not have in the literature any specific, decisive *sabab al-nuzūl* for the *jizya* verse, and so have to rely on linguistic analysis, the context of the verse and what the Qur'an says in other places.

We know that the Qur'an is a reactive text. It responds to situations that occurred while it was being revealed: *Fight those who fight you* (Q. 2:190); *Permission is given to those who are being fought* (Q. 22:40); and in situations other than fighting, *Believers, do not approach the prayer when intoxicated* (Q. 4:43); *Perish the hand of Abū Lahab* (Q. 111:1). This habit of the Qur'an is an important factor that should be borne in mind in the present situation. It would not have said *ṣāghirūn* unless the payers were refusing to pay. And it would not have said earlier in the *jizya* verse, *Who do not forbid what God and His Messenger forbids and who do not behave according to the rules of justice*, unless they were breaking an earlier agreement to pay. Breaking an agreement is forbidden by their own prophets and by the rules of justice and fair play, which also demand keeping one's agreement and

paying taxes in a state in which one lives, benefiting from its protection and welfare provisions.

It is reported that ʿUmar b. al-Khaṭṭāb passed by the door of people at which there was a beggar who was an old blind man.

ʿUmar struck his arm from behind and asked: 'To which People of the Book do you belong?' He said, 'I am a Jew.' ʿUmar said: 'What has compelled you to beg?' The man replied, 'I am begging in order to get money to pay for *jizya* and my need, as I am old.' Then ʿUmar held his hand, and took him to his house and gave him gifts and money. He then sent him to the Treasurer (keeper of the *bayt al-māl*) who had been instructed to take care of the man and whosoever was like him. ʿUmar added that, 'We have not done justice to this man as we took *jizya* from him when he was young but we forsook him when he was old. Verily, the *ṣadaqa* is for the poor and destitute. And this man is a destitute from the People of the Book.' Thus ʿUmar exempted taking the *jizya* from him.³⁷

It is important to note that the disagreeable behaviour of the People of the Book is expressed in Q. 9:29 in three negative clauses: *who do not believe in God*; *who do not forbid what God and the Messenger forbid*; and *who do not behave according to the rule of justice*. This intimates another negative 'who have not paid'. The three negative clauses are shown as failure on the part of the People of the Book to do what they should do, made more serious by stating after it that they have been given the Book (*ūṭū'l-kitāb*). In contrast, the reasons given in the Qur'an for fighting the polytheists are put in positive sentences: they fight the Muslims (Q. 2:190); they break their treaties with them and revile their religion (Q. 8:56–7; and Q. 9:5 and 12). Q. 9:5 is about fighting those who broke their agreement, and so is Q. 9:29. So the sense would be 'Fight them until they accept to pay the *jizya* that has been agreed'.³⁸ Based on the above analysis, this in my opinion is the original meaning of Q. 9:29, but apparently because it is the only verse in the Qur'an that deals with *jizya*, jurists and exegetes take it to apply to all situations whether the People of the Book have agreed to pay beforehand or when payment is initially demanded from them.

Q. 9:28, the immediately preceding verse, runs:

Believers, the polytheists are truly unclean. Do not let them come near the Sacred Mosque after this year. If you are afraid you may become poor, God will enrich you out of His bounty if He pleases: God is all knowing and wise.

The fact that this verse is adjacent to the *jizya* verse has led some to conclude that the *jizya* was introduced to compensate the believers for the loss of trade with the polytheists. Indeed al-Qurṭubī (d. 671/1272) states that the Muslims felt concerned

about the cessation of trade that the polytheists brought to Mecca, ‘so God Almighty said, *If you are afraid you may become poor* in this verse, then made taking the *jizya* lawful in verse 29’. He goes on to say it had not been taken before, thus making it a compensation for trade that would be lost’.³⁹ Al-Qurṭubī does not give a reference for this assertion about compensation, but even if it is well founded, what verse 29 introduces is *enforcing* payment and the wording of the verse makes it unlikely that it was introducing *jizya* for the first time.

The *jizya* verse states that it only applies to ‘some of’ these People of the Book, i.e. the ones who are misbehaving. Thus, for example, there is no order recorded that the Christians of Najrān, who honoured their treaty with the Prophet and paid their *jizya*, should be ‘fought’. Discussion on the *jizya* verse, as we said, comes after discussion of fighting the polytheists. Polytheists are described earlier in the same sura: *Where believers are concerned, they respect no tie of kinship or treaty. They are the ones who are committing aggression* against the Muslims (Q. 9:10). The Qur’an urges the Muslims strongly in various ways to fight such people (Q. 9:1–15) and again, in the *jizya* verse, which, as we suggest, deals with people who have broken an agreement, we find the same exhortation to fight them. This starts immediately by showing their misbehaviour: they do not truly believe in God and the Last Day and do not obey the teachings of their own prophets, that they should be true to their word. Nor indeed do they adhere to the normal requirements of justice. Verses 30–5 are no more than further urging of the believers: if these People of the Book attribute children to God, in a way similar to earlier pagans,⁴⁰ taking *their rabbis and monks as well as Christ as their lords*, and trying to *extinguish God’s light with their mouths*, and if many of their rabbis and monks *wrongfully consume people’s possessions and turn people away from God’s path*, it is not surprising that they should refuse to pay the *jizya* that was due to the state. The behaviour of these rabbis and monks, in consuming people’s possessions wrongfully, and the statement that they were taken as lords to be obeyed, suggest, in my view, that these religious leaders incited their followers not to pay *jizya* or at least did not command them to honour their commitment to pay as members of the state they lived in. This is the wider context of the *jizya* verse in the Qur’an: Q. 9:30–5 are not given as reasons to fight the People of the Book, or as descriptions of them in general. The Qur’an sets out its general assessment of the People of the Book elsewhere, saying:

They are not all alike: there are some among the People of the Book who are upright, who recite God’s revelation during the night, who bow down in worship, who believe in God and the Last Day, who order what is right and forbid what is wrong, who are quick to do good deeds. These people are among the righteous and they will not be denied [the rewards] for whatever good deeds they do: God knows exactly who is conscious of Him (Q. 3:114–15).

Similarly:

There are People of the Book who, if you [Prophet] entrust them with a heap of gold, will return it to you intact, but there are others of them who, if you entrust them with a single dinar, will not return it to you unless you keep standing over them, because they say, 'We are under no obligation towards the Gentiles.' They tell a lie against God and they know it. No indeed, God loves those who keep their agreements and are mindful of him (Q. 3:75–6).

This supports our interpretation of *min* in the *jizya* verse as being 'of' or 'from among'.

In Q. 9:34, the Qur'an discriminates clearly and does not say that *all* rabbis and monks consume people's wealth wrongfully, but *many of* them do. It indicates that it is only those who refuse to pay the agreed *jizya* who should be fought, as they do not keep to their agreements, thus demonstrating that they do not truly believe in God and the Last Day and do not forbid what God and his Prophet forbid, or act according to the rule of justice. Breaking agreements is very strongly condemned in the Qur'an, whether this is done by the People of the Book (Q. 5:13), Muslims (Q. 13:25; Q. 16:91–2) or idolaters (Q. 8:55–6; Q. 9:5 and 10); the latter verses come only a page before the *jizya* verse.

Most Muslim exegetes, unfortunately, take Q. 9:30–35 as an elaboration or explanation of how People of the Book generally do not believe in God and the Last Day. Al-Rāzī says, 'Know that God Almighty having ruled in the previous verse [i.e. Q. 9:29] that the Jews and Christians do not believe in God, explains this in this verse [Q. 9:30]'.⁴¹ Likewise, Sayyid Quṭb states, 'then God explains in the following verses [Q. 9:30ff.] how they [the People of the Book generally] do not believe in God and the Last Day, forbid what God and His Prophet have forbidden and do not follow the true religion.'⁴²

We have shown earlier that Q. 9:29 does not really claim that the People of the Book do not believe in God and the Last Day, just that the behaviour of some of them shows that they do not. These individuals do not really and truly believe in God and the Last Day, just as the Prophet said that a Muslim while committing adultery or stealing is not a believer.⁴³ This is just a turn of phrase, or a mode of expression. However, the question arises as to why the Qur'an urges the Muslims so strongly to fight to enforce payment of the *jizya*. Urging is a general feature of the Qur'an.⁴⁴ Fighting was not an easy matter (*wa-huwa kurhun lakum*, Q. 2:216) and the Muslim community included people who were faint-hearted, new to Islam, and still not strongly committed to the cause, let alone the hypocrites. Fighting also involved asking people to break

commercial, tribal and even close family ties. Thus in Q. 9:24, the Prophet is told to say:

If your fathers, sons, brothers, wives, tribes, the wealth you have acquired, the trade which you fear will decline and the dwellings you love are dearer to you than God and His Messenger and the struggle for His cause, then wait until God brings about His command. God does not guide those who break away [from his orders].

Urging people to follow the order to fight was to be expected, since there was no question of forcing people to join the Muslim army. The Prophet did not have a conscripted army, and going to battle could mean losing one's life and leaving families without support. Strong urging was similarly needed when asking people to pay in charity (e.g. Q. 2:261–81). Refusal by any section of society to pay tax is not something to be lightly tolerated. Abū Bakr enforced payment of tax on the Muslim groups who refused to pay.

Perhaps it is suitable now to give a different, clearer translation of the *jizya* verse as an alternative to the one given at the beginning of this article:

Fight those of the People of the Book who do not [truly] believe in God and the Last Day, who do not forbid what God and His Messenger have forbidden, who do not behave according to the rule of justice, until they pay the tax and submit to it.

Linguistic Analysis

Having explained why many Muslim exegetes were so extreme in their interpretations of elements of the *jizya* verse, and having also explained why the Qur'an urges the believers in the way it does concerning enforcement of *jizya*, we should perhaps now summarise the causes of difficulty of interpretation in this particular verse. Again I will discuss this phrase by phrase from the beginning to the end of the verse.

1. Fight those who believe not in God and the Last Day (qātilū 'lladhīna lā yu'minūna bi'llāhi wa-lā bi'l-yawmi'l-ākhir)

The interpretation of the phrase *those who believe* depends on whether you take this as a factual statement or a figure of speech. Assuming it is a figure of speech, it questions the sincerity of people's belief on the grounds that it has not produced the expected fruit of good behaviour, as if their faith did not exist. The Qur'anic usage of the expression in other places supports the figurative interpretation, thus there is no assertion that these people are *kuffār* ('atheists').

2. *Do not forbid what God and His Messenger have forbidden* (wa-lā yuḥarrimūna mā ḥarrama'llāhu wa-rasūluhu)

The reason for the ambiguity in interpretation here is the omission (*ḥadhf*) of the object of the verb and substitution of a noun clause beginning with *mā*, a relative particle of generalisation (*ta'mīm*). So instead of saying, 'they do not forbid breaking their agreements', it puts instead a description which, general as it is, shows strong condemnation of their action, indicating that God and His Messenger have forbidden such an action.

3. *Such men as practise not the religion of truth ...* (wa-lā yadīnūna dīna'l-ḥaqq)

The difficulty here is that the word *dīn* has a multiplicity of meanings, as explained earlier, and some interpret it as 'religion', not being alert to the fact that it is not accompanied by the preposition *bi-*, which is the only situation in which it means religion. The more likely interpretation is, as shown earlier, 'behave according to the rule of justice'.

4. *... [being of] those who have been given the Book* (mina'lladhīna ūtū'l-kitāb)

Min has multiple meanings (*ishtirāk/ta'addud al-ma'nā*). It can be seen as explanatory or partitive. In the second case, it means 'from among' or 'of', so the condemnation is directed only at those groups of the People of the Book who broke their agreement, not the People of the Book in general.

5. *... until they pay the tribute ...* (ḥattā yu'ṭū'l-jizya)

It is important to be alert to the fact that the Qur'an did not say, 'until they agree to pay', but 'until they pay'.

6. *... out of hand ...* (ʿan yadīn)

Again there is multiplicity of meaning. The deciding factor in selecting any specific meaning will be the context, which requires paying promptly, hand to hand.

7. *... and have been humbled* (wa-hum ṣāghirūn)

Again there is multiplicity of meaning, which has led some exegetes to give extraordinary and incredible interpretations. The multiplicity can be in the degree of *ṣaghār* or the meaning or method of the presumed humbling. We have seen that the context, the Qur'anic attitude in general, and usage require that the phrase simply means, 'those who do not pay because they think of themselves as too proud or too big (*kabīr*) to pay, by paying they come down from being *kabīr* to being *ṣaghīr* in submitting to the Lord'.

This is a summary of the linguistic difficulties. Again in summary, the solutions for these were found in:

- i) the style of the Qur'an (*ʿādāt al-kitāb*) and how it negates a belief because it does not result in good behaviour;

- ii) the crucial role of the context;
- iii) avoiding atomistic analysis, instead of treating all the elements together with due regard to the others. The phrase ‘... *who do not forbid* ...’ was taken in isolation, which produced inappropriate meanings, with no relation to the immediate context of the rest of the verse;
- iv) paying regard to the teachings of Islam in general while trying to interpret any specific phrase, sentence or verse. Some explanations of *ṣāghirūn* are so bizarre that they starkly contradict the teachings of the Qur’an and the practice of the Prophet.

The Meanings and Significance of Crucial Terms

In this study we have concentrated on the Qur’anic text itself. Abū Ḥayyān’s statement with regard to humiliation, that ‘the verse did not mention any of this’, should always be borne in mind. It is the Qur’anic text which is the authority and not the views of jurists or exegetes who were influenced by historical contingencies such as are described earlier. Our analysis of the Qur’anic text is above all linguistic. We will now apply this in considering the main terms of this whole question of *jizya*. The term *jizya*, especially in the writings of non-Muslims, has acquired strongly negative connotations, but in the Qur’an the word is quite different. In fact it is a positive expression and can be said to show generous cooperation between the payer and the recipient. We have noted that the root means ‘to reward’ and that people only give rewards for services rendered. In paying the *jizya*, the People of the Book are giving a reward to the Muslim state in return for not forcing them to engage in *jihād* for the Muslim state, which would be against their faith, or forcing them to pay *zakāt*, which is a pillar of Islam, supporting the Islamic edifice, and allowing them to live completely according to their own faith, even in matters which Islam does not accept, such as questions of food and drink. In Muslim societies non-Muslims were allowed to trade in such products between themselves, and they and all their property were protected from any attackers from within or outside the Muslim state.⁴⁵ The only thing the Islamic state demanded in return was that those men who could fight and afford to pay should pay a small tax, estimated normally as only one dinar a year.⁴⁶ It is relevant here to recall the statement by the Christians in Syria, to whom Abū ‘Ubayda returned their *jizya* because he was not able to defend them. They replied, ‘We would prefer paying *jizya* to you to the treatment we would receive from the others [i.e. the Byzantine Christians].’ Part of the *jizya* pact was protection, and the Prophet was very clear about this: he declared that those who paid the *jizya* were under the protection (*dhimma*) of God and His Prophet, saying:⁴⁷

If anyone wrongs someone who is protected by a treaty or disparages him or charges him with more than he can bear, or takes anything from

him without him willingly giving it, I personally will be his adversary on the Day of Resurrection'

The word *dhimmī* ('protected') again has acquired very negative connotations in Western writing about Islam, when in fact it is a very powerful and positive word in Arabic.⁴⁸ Clearly the Prophet felt that, with the wide sweep of Islam and a few non-Muslims allowed to live in the Muslim state while adhering to their own religion rather than accepting Islam, some Muslims might, out of their zeal, harass or mistreat them, so the Prophet felt the need to make a strong stand on this and assert that they were under the protection of God and His Prophet.

The *jizya* verse talks about Christians and Jews as 'those who were given the Book (*alladhīna ūtū'l-kitāb*), which again confers great honour: they are people who had been recipients of divinely inspired scripture, confirmed by the Qur'an. So *jizya*, *dhimmī* and *ahl al-kitāb* ('People of the Book') are Qur'anic terms and should be understood on the basis used in the Qur'an and not corrupted in the way they have often been.

The *jizya* is a very clear example of the acceptance of a multiplicity of cultures within the Islamic system, which allowed people of different faiths to live according to their own faiths, all contributing to the well-being of the state, Muslims through *zakāt*, and the *ahl al-dhimma* through *jizya*. In the Qur'an we find an excellent example of interfaith relationships, pluralism and multi-culturalism, concepts which have only been named in recent decades and are still a matter of controversy in the West.

It is clear that the treatment of the Christians and Jews in the early years of Islam, before the *fiqh* and *tafsīr* were compiled, was based on the Qur'anic principle of *birr* ('kindness') (Q. 60:8), keeping one's agreements (as in the case of Abū 'Ubayda mentioned above), and on the proper understanding of the *jizya* verse to mean that it was only those refusing to pay who could be fought to enforce payment.

It was the concept of *ahl al-kitāb*, *dhimma* and *jizya*, in spite of all the misinterpretation and misapplication in some Muslim lands in later years, that ensured the continued existence of Christians and Jews up to the present time – which was not the fate of Muslims in Christian countries like Spain. When the Jews were expelled from Spain, along with the Muslims, they found refuge in many Muslim countries.

The *jizya* institution is now relegated to history, having been replaced by modern taxation in Muslim countries, which applies to everyone, but the Qur'anic teachings about *jizya* still stand as an example of how people in one society should cooperate to the good of all and no one should be allowed to dodge taxation. In the same way as Abū Bakr, the head of the Muslim state, fought those Muslims who refused to pay *zakāt* (*māni'ī al-zakāt*) to enforce payment of what was due to the state, Q. 9:29

allows the Muslim state to fight those who refuse to pay *jizya* (*māniʿī al-jizya*) to enforce payment of what was due to the state in which they lived.

In short, it is well known that Abū Bakr, the first Caliph, fought *māniʿī al-zakāt* (those refusing to pay *zakāt*). This article has shown that the *jizya* verse is about fighting *māniʿī al-jizya* (those refusing to pay *jizya*). It is clear from the above that in the first Islamic state this was how the *jizya* verse was understood.

NOTES

1 Caliph Abū Bakr, on his decision to fight Arab Muslim tribes who refused to pay *zakāt* after the death of the Prophet (Ṣāliḥ b. ʿAbd al-ʿAzīz Āl al-Shaykh (ed.), *al-Kutub al-sitta* (Riyadh: Dār al-Salām, 1999), p. 606).

2 Their criticism relies, as we shall see, upon the meaning as understood in some classical sources and as sometimes applied in history.

3 A.J. Arberry, *The Qurʾan Interpreted* (Oxford: Oxford University Press, 1964), p. 183. I must point out that Arberry's is one of the best translations of the Qurʾan into the English language.

4 See al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān* (8 vols. Beirut: Dār al-Kutub al-ʿIlmiyya, 2000), vol. 4, p. 70; Sayyid Qutb, *Fī ḥilāl al-Qurʾān* (Cairo: Dār al-Shurūk, 1985), p. 1,632.

5 Al-Rāzī, *al-Tafsīr al-kabīr* (16 vols. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), part 16, p. 29.

6 Abū Ḥayyān records the view from al-Kirmānī that the People of the Book describe God in a way that does not befit Him, and another view from al-Zajjāj that they assign a child to Him, that that they have changed their scriptures, have made unlawful what God made lawful and made lawful what He made unlawful. A third view, from Ibn ʿAṭīyya, was that they had abandoned the Islamic *sharīʿa*, which they should have accepted (Abū Ḥayyān, *al-Baḥr al-muḥīṭ* (8 vols. Beirut: Dār al-Kutub al-ʿIlmiyya, 1993), vol. 5, p. 30.

7 Al-Nawawī, *Matn al-arbaʿīn*, tr. E. Ibrahim and D. Johnson-Davies (Damascus: Dār al-Qurʾān, 1977), p. 61.

8 Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 30.

9 Al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān* (21 vols in 11. Beirut: Dār al-Kutub al-ʿIlmiyya, 1999), vol. 4, p. 72.

10 Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 30.

11 Al-Bayḍawī, *Tafsīr* (2 vols. Beirut: Dār al-Kutub al-ʿIlmiyya, 1988), vol. 1, p. 401.

12 For example, King Solomon wrote, 'It is better that you should not vow than that you should vow and not pay' (Ecclesiastes 5:5).

13 N.J. Dawood, *The Koran, Translated with Notes* (London: Penguin Books, 1990), p. 136.

14 Alan Jones, *The Qurʾān Translated into English* (Exeter: Gibb Memorial Trust, 2007).

15 Fayrūzabādī, *al-Qamūs al-muḥīṭ*, reprint (4 vols. Beirut: Dār al-Jīl, 1952), vol. 4, p. 227.

16 *Al-Muʿjam al-wasīṭ* (Cairo: Majmaʿ al-Lughā al-ʿArabiyya, 1972); al-Rāzī, *al-Tafsīr al-kabīr*, vol. 8, p. 29.

17 Indeed, in support of this, al-Bāqillānī (d. 403/1013) in his *Tamhīd* has a section on the *iʿjāz al-Qurʾān*, and in it he introduces a hypothetical question which an opponent might ask concerning whether one can be certain if the Prophet challenged the Arabs to produce a work

like the Qur'an; his response to this question is this: 'yu'lam dhālika iqtirār(an) min dīnihi wa-qawlihi'; namely 'it is known necessarily by virtue of his conduct and statements'. So a translation which states 'they do not conduct themselves appropriately' fits the context linguistically and relatively.

18 See Paul L. Heck, art. 'Poll Tax' in *Encyclopaedia of the Qur'ān*.

19 M. Abū Zahra, *Khātam al-nabiyyīn* (2 vols. Doha: Mu'assasat Dār al-ʿUlūm, 1400/1979), vol. 2, p. 1,359.

20 M. ʿImāra, *al-Islām wa'l-ʿaqaḷliyyāt* (Cairo: Maktabat al-Shurūk al-Dawliyya, 2003), p. 15.

21 ʿImāra, *al-Islām wa'l-ʿaqaḷliyyāt*, p. 15.

22 ʿAbd al-Karīm Zaydān, *Aḥkām al-dhimmiyyīn wa'l-musta'manīn fī dār al-Islām* (Beirut: Mu'assasat al-Risāla, 1976), p. 155, quoting *al-Kharāj* by Abū Yūsuf and *Tārīkh al-Balādhūri*, p. 283–4.

23 Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 31; al-Bayḍāwī gives a list of six (*Tafsīr*, vol. 1, pp. 401–2).

24 Al-Zamakhsharī, *Tafsīr al-kashshāf* (4 vols. Beirut: Dār al-Maʿrifā, n.d.), vol. 2, p. 185.

25 Al-Ṭabarī, *Tafsīr al-Ṭabarī* (12 vols. Beirut: Dār al-Kutub al-ʿIlmiyya, 1999), vol. 6, p. 349.

26 Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 31.

27 Al-Bayḍāwī, *Tafsīr*, vol. 1, p. 402. Attribution to Ibn ʿAbbās is regarded as unreliable and should be subjected to close scrutiny, and the very same statement is attributed in Abū Ḥayyān to al-Kalbī. On two other occasions in the Qur'an where *ṣāghirūn* is used, it occurs first in a context of Iblīs, who was too arrogant to bow down to Adam, saying 'I am better than him. You created me from fire and him from clay.' God said, 'Get down from here. This is no place for your arrogance (tatakabbara fīhā). Get out. You are one of the *ṣāghirīn*' (Q. 7:12–13). In the second instance (Q. 27:31), Solomon gives his emissary a message to the Queen of Sheba: 'Do not put yourselves above me, and come to me (a-lā taʿlū ʿalayya wa-aʿtūnī)'. In Q. 27:37, when she did not respond as requested, he says, 'We shall certainly come upon them with irresistible forces and drive them from their land *ṣāghirīn*'. In both cases *ṣāghirīn* comes in response to someone putting themselves above obeying an order.

28 See Y. al-Qaraḍāwī, *Ghayr al-muslimīn fī-mujtamaʿ al-Islāmī* (Cairo: Maktabat Wahba, 1977), pp. 45–52, quoting reliable authorities like Al-Farrāj, Abū Yūsuf and al-Bukhārī.

29 See Heck, art. 'Poll Tax'.

30 Al-Rāzī, *al-Tafsīr al-kabīr*, part 16, p. 30.

31 Al-Ṭabarī, *Tafsīr*, vol. 6, p. 349.

32 Al-Rāzī, *al-Tafsīr al-kabīr*, part 16, p. 30.

33 Al-Wāḥidī, *Asbāb al-nuzūl* (Cairo: Hindiyya Press, 1315/1897).

34 Al-Suyūṭī, *Tafsīr al-Jalālayn* (Baghdad: Al-Muthannā, n.d.), pp. 251–2.

35 Abū Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 30.

36 Abū Dawūd, *al-Kutub al-sitta*, *Bāb jihād* 82, p. 1,416.

37 Abū Yūsuf, *Kitāb al-kharaj* (Beirut: Dār al-Maʿrifā, n.d.), p. 126. Abū Yūsuf Yaʿqūb, tr. Abid Ahmad Ali and Abdul Hameed Siddiqui. *Kitāb-ul-kharaj = Islamic Revenue Code* (Lahore: Islamic Book Centre, 1979), p. 254.

38 Al-Qurtubī states, 'whoever disputes violently in paying over his *jizya* should be disciplined and the *jizya* taken from him *ṣāghirān*'. Further on, he states, 'If the Imām makes an agreement with the people of a town or a fortress, and then they break the agreement and refuse to pay the *jizya* they should pay and do not submit to the rule of Islam, without them being oppressed and

without the Imām doing them wrong or tyrannising them, they should be fought for the *jizya*' (*al-Jāmi' li-aḥkām al-Qur'ān*, vol. 4, p. 73).

39 Al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 4, pp. 7–8.

40 Ibn ʿAbbās is reported to have named four rabbis who had said that Ezra was the son of God, commenting that 'no Jews now make such a claim'. Abū Ḥayyān takes the fact that some Jews made such a claim as being confirmed in that this verse was read to the Jews in Medina and they did not reject it or say it was not true, eager though they were normally to reject things said in the Qur'an (Abu Ḥayyān, *al-Baḥr al-muḥīṭ*, vol. 5, p. 31).

41 Al-Rāzī, *al-Tafsīr al-kabīr*, part 16, pp. 33ff.

42 Sayyid Quṭb, *Fī ṣilāl al-Qur'ān*, vol. 3, pp. 1,632 ff.

43 Ibn Mājah, *Sunan Ibn Mājah* (in *al-Kutub al-sitta*), *ḥiṭ* 3, p. 2,712.

44 For more discussion of this, see M.A.S. Abdel Haleem, 'Qur'anic "*jihād*": A Linguistic and Contextual Analysis', *Journal of Qur'anic Studies* 12 (2010).

45 If it is argued that the *jizya* was still discriminatory and made the payers into second class citizens, the alternative of forcing Jews and Christians to engage in Islamic *jihād* and to pay *zakāt*, which is a pillar of Islam, would have been against their basic right to practise their own religions.

46 The fact that Muslim jurists and exegetes later on misinterpreted and misapplied the Qur'anic teachings does not negate the Qur'anic stand.

47 Abū Dawūd, quoted in al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 4, p. 74.

48 Indeed there is even a Prophetic tradition cited by Ibn Mājah in which it is stated that Muslims are in the '*dhimma* of God'; the tradition states that 'whoever prays the morning prayer is in God's (*dhimma*) protection': (*Sunan Ibn Mājah*, *ḥadīth* no. 3947 under the heading '*Bāb al-Muṣlimūn fī dhimmat Allāh*' p. 2,713. So in some ways it has sacred connotations.